

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	06/10/2022
Planning Development Manager authorisation:	JJ	07/10/2022
Admin checks / despatch completed	ER	07/10/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07/10/2022

Application: 22/01128/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: S Kandiah

Address: Blue Gates Farm Carringtons Road Great Bromley

Development: Enlargement of residential curtilage to allow for domestic paddock land and horse grazing, including the erection of new stables and hardstanding served by the existing field access.

1. Town / Parish Council

Great Bromley Parish
Council
11.08.2022

Great Bromley Parish Council had no objection to the application.

2. Consultation Responses

ECC Highways Dept
16.09.2022

Thank you for your consultation dated 8th August 2022 and sorry we've been unable to respond before now.

Having reviewed the submitted information, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. The site access shall be provided with 2.0 x 43 metre visibility splays in both directions as measured to the nearside edge of the Carringtons Road carriageway

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

2. The site access shall be a minimum 5.5 metres wide for the first 6 metres from the Carringtons Road carriageway

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

3. There shall be no unbound material within 6 metres of the extent of highway

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

4. Any gates shall be a minimum 6 metres from the Carringtons Road carriageway edge and open towards the proposal site only

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- No surface water should drain into highway
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ
- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

3. Planning History

15/00403/COUNO T	Change of use of agricultural building to residential use (C3)	Determinati on	06.05.2015
20/00854/FUL	Proposed conversion of vacant barn into a four bedroomed dwelling with associated garaging and landscaping works.	Approved	11.11.2020
21/00566/DISCON	Discharge of condition 3 (Hard and Soft Landscaping), 8 (Biodiversity Enhancement Strategy), and 12 (Programme of Historic Building Recording) of approved planning application 20/00854/FUL	Approved	01.06.2021
21/01914/FUL	Proposed erection of horse stable block.	Refused	12.01.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP13 The Rural Economy

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site consists of an area of land that adjoins the residential curtilage of the dwelling to front of the site, being part of the wider Blue Gates Farm complex. The plot lies outside of any recognised settlement development boundary and is therefore within the countryside. There is an existing vehicular access to the site from the main highway. To the rear (south) of the site, there is an area of grassland/agricultural land and a number of farm buildings.

Relevant Planning History

This application follows a previous application for a similar development under application reference 21/01914/FUL refused on 12.01.2022. The application was refused for the following reasons:

- Proposed stable block does not accord with the number of horses to be kept / area of pasture; and,
- Insufficient details as to use of the stabling (domestic or commercial).

No consultations were undertaken as part of the consideration and assessment of application 21/01914/FUL.

Upon submission of this current application, officers engaged with the agent to discuss the previous reasons for refusal. The agent provided clarification on the use of the land and stabling and explained that the size of stables has been amended. Consequently, the applicant agreed to amend the application description to add the change of use of the land to residential curtilage / domestic paddock land, together with the proposed stables and hardstanding.

Consultation with ECC Highways and the Council's Environmental Protection Team and Landscaping Officer have been carried out as part of this current application.

Proposal

The application seeks full planning permission for the change of use of the land from agricultural to domestic paddock land for horse grazing, including the erection of a stable building and hardstanding served by the existing field access.

The proposed building is positioned to the North West corner of the site adjacent to the highway. The building has an 'L' shaped footprint measuring 11.6 metres by 15.1 metres with a depth of 3.85 metres. The stables face into the site with an area of hardstanding to the frontage connecting to the existing access. As detailed on the proposed plans, the building will be finished in weatherboarding and slate roof tiles.

Assessment

The main considerations in this instance are:

1. Principle of Development;
2. Scale, Design and Landscape Impact;
3. Trees and Landscaping;
4. Access and Highway Safety;
5. Environmental Protection;
6. Residential Amenities;
7. Representations; and,
8. Conclusion and Recommendation.

1. Principle of Development

The application falls to be considered against Policies PP13 and PPL3 of the adopted Local Plan 2013-2033 and Beyond. Amongst other things, these policies relate to the provision of business and domestic equine related activities and the protection of the rural landscape, particularly outside of defined settlement development boundaries, and states the Council may support these types of proposals subject to other policy requirements in the plan.

The high level principle of development is therefore acceptable subject to detailed considerations against other relevant policies within the adopted Local Plan.

2. Scale, Design and Landscape Impact

Adopted Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development, which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The proposal is considered to be in keeping with the rural character of the area being a low level, stable building of a suitable scale, appearance and finish. The dwelling and proposed development are closely related to the wider farm complex to the rear of the site comprising a range of large and smaller scale farm buildings. There are mature trees and hedgerows in and around the site providing some screening. The development will not result in any significant visual or landscape harm. Subject to conditions managing the boundary enclosures, lighting and external materials, the development is considered acceptable.

3. Trees and Landscaping

There are no trees or other vegetation in the main body of the application site.

Close to the northern boundary of the application site, adjacent to the highway, there is an established Goat Willow and a veteran Oak. The Willow is in good condition but the Oak has extensive decay in the main stem and parts of its crown. Although the Oak is over mature it still has a relatively long safe useful life expectancy and can be safely retained as long as regular inspections and remedial pruning works are carried out as required.

Both trees make a positive contribution to the character and appearance of the area and will provide a degree of screening for the proposed development.

There is a field drainage ditch between the trees and the position of the proposed stables that will have influenced the development of tree roots. In this regard the ditch will have acted as a barrier and reduced the extent to which tree roots will have spread into the application site.

The construction of the proposed stable block will not adversely affect the health, condition or amenity value of the two trees closest to the structure.

4. Access and Highway Safety

Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These sentiments of the NPPF are carried forward within Policies SPL3 and CP1.

The proposal would utilise the existing access with clear visibility in both directions. The development will be served by a new turning area ensuring vehicles can enter and leave the site in a forward gear. Essex County Council Highway Authority raise no objection to the development subject to conditions as detailed above.

5. Environmental Protection

Adopted Local Plan Policy SPL3 Part B, f. states that provision should be made for adequate waste storage and recycling facilities. Part C states that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts be compatible with surrounding uses and minimise any adverse environmental impacts. Specifically, Policy SPL3 Part C, b. which states that development will not have unacceptable level of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance. Furthermore, Policy PPL5 states that all new development must make adequate provision for drainage.

Following consultation with the Council's Environmental Protection Team, the following points have been raised:

- Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
- A plan for storage and removal of horse manure is to be confirmed with this authority.
- No burning of horse manure should be carried out on site.
- Any external lighting on the proposed site shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk)

To ensure the development is compliant with the above-mentioned local plan policies, conditions and informatives will be added as necessary.

6. Residential Amenities

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SPL3 seeks new development that is designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents, provision is made for adequate private amenity space, waste storage and recycling facilities and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

To the rear of the site are a number of farm buildings, including residential conversions (Class Q Prior Notification applications). The spacing around the dwelling and development site and distance to any building sin residential use is sufficient to ensure no material harm to residential amenities will result.

Subject to conditions in line with the requirements from the Council's Environmental Protection Team, the proposal will not result in any material harm to neighbouring amenities.

7. Representations

Great Bromley Parish Council raise no objection to the application.

No individual letters of representation have been received.

8. Conclusion and Recommendation

For the reasons set out above, the proposed development is considered policy compliant and will not result in any visual or landscape harm. The application is recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE – TIME LIMIT

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 COMPLIANCE – APPROVED PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans:

P01B Block Plan, Proposed Floor Plan and Elevations
P02B Site Plan

Reason - For the avoidance of doubt and in the interests of proper planning.

3 COMPLIANCE – PRIVATE USE ONLY

The development hereby approved shall be used for the private stabling and grazing of horses in connection with the property known as Blue Gates Farm, as outlined in red on the accompanying site plan drawing number P02B, and no business or commercial use including livery or riding school activities shall be carried out from the site whatsoever.

Reason - In the interests of local amenity and highway safety.

4 PRIOR TO FIRST USE – WASTE MANAGEMENT PLAN

Prior to first use of the stables hereby approved, a waste management plan dealing with the storage and removal of horse manure shall be submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Effluent originating from the stable floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.

Reason - In the interests of residential amenities and environmental protection.

5 COMPLIANCE – NO BURNING ON SITE

There shall be no burning of manure on the site at any time.

Reason – In the interests of environmental protection and residential amenities.

6 COMPLIANCE – PERMEABLE SURFACING

All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

7 COMPLIANCE – NO SURFACE WATER DISCHARGE

There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

8 PRIOR TO FIRST USE – VISIBILITY SPLAYS

Prior to first use of the stables hereby approved, the site access shall be provided with 2.0 x 43 metre visibility splays in both directions as measured to the nearside edge of the Carringtons Road carriageway and retained in this approved form.

Reason - To protect highway efficiency of movement and safety.

9 COMPLIANCE – ACCESS GATES

Any gates shall be a minimum 6 metres from the Carringtons Road carriageway edge and open towards the proposal site only.

Reason - To protect highway efficiency of movement and safety.

10 COMPLIANCE – FLOODLIGHTING

No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well-designed development sympathetic to the character of the area and in the interests of residential amenity.

11 PRIOR TO SLAB LEVEL – MATERIALS DETAILS

Prior to any works above slab level, precise details of the manufacturer and types and colours of the external roofing material to be used in construction of the stable building have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - In the interests of visual amenity and the rural character of the locality as insufficient details have been provided with the application.

12 REMOVAL OF PERMITTED DEVELOPMENT – FENCING / ENCLOSURES:

Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fencing, wall or other means of enclosure shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – In the interests of visual and landscape impact as any future boundary treatment will about the open countryside.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Environmental Protection Informatives

1. Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
2. In relation to Condition 10 above, any external lighting on the proposed site shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk)

Highways Informatives

1. All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ
2. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO